

REMARKS/ARGUMENTS

Applicants submit this Amendment After Final (“Amendment”), together with a Notice of Appeal and a Petition for Extension of Time, in reply to the Final Office Action (“Office Action”) mailed November 19, 2003.

In this Amendment, Applicants propose to amend claims 27, 56, and 85-90 to better define the claimed invention by deleting the recitation “directly against respective side portions of the first strip lengths” (if present) and adding the recitation “wherein edges of circumferentially consecutive first strip lengths abut evenly along their entire crown portions extending between the transition regions.”

Additionally, Applicants propose to amend claims 27, 56, and 85-90 to better define the claimed invention and to improve clarity by amending the recitation “depositing the first strip lengths onto a toroidal support in a substantially U-shaped conformation about a profile in transverse section of the toroidal support to define two side portions, the side portions substantially extending in planes orthogonal to a geometric axis of rotation of the toroidal support at mutually-spaced-apart positions in an axial direction, and a crown portion extending at a radially-outer position between the side portions” to recite “depositing the first strip lengths onto a toroidal support in a substantially U-shaped conformation about a profile in transverse section of the toroidal support to define: two side portions that substantially extend in planes orthogonal to a geometric axis of rotation of the toroidal support at mutually-spaced-apart positions in an axial direction; a crown portion that extends at a radially outer position in a plane substantially parallel to the geometric axis of rotation of the toroidal support; and two mutually-

axially-spaced-apart transition regions that are defined between the side portions and the crown portion, respectively”.

Applicants also propose other amendments to claims 27, 56, and 85-90 to improve clarity. Further, Applicants propose to amend claims 30, 31, 42, 47, 49, 50, 59, 60, 71, 76, 78, 79 to improve clarity.

Before entry of this Amendment, claims 27-90 were pending in this application. After entry of this Amendment, claims 27-90 remain pending in the application.

The originally-filed specification, claims, abstract, and drawings fully support the proposed amendments to claims 27, 56, and 85-90. No new matter was introduced.

In the Office Action, the Examiner rejected claims 27-86 under 35 U.S.C. § 112, ¶ 1; rejected claims 27, 30-34, 38, 40-42, 45-56, 59-63, 67, 69-71, and 74-90 under 35 U.S.C. § 103(a) as being unpatentable over French Patent No. 384,231 (“FR ’231”) in view of U.S. Patent No. 5,660,656 to Herbelleau et al. (“Herbelleau”) and/or U.S. Patent No. 3,072,171 to Drakeford et al. (“Drakeford”); and rejected claims 28, 29, 39, 43, 44, 57, 58, 68, 72, and 73 under 35 U.S.C. § 103(a) as being unpatentable over FR ’231 in view of Herbelleau and/or Drakeford, and further in view of U.S. Patent No. 3,826,297 to Alderfer (“Alderfer”).

Section 112, ¶ 1 Rejections

Applicants propose to amend claims 27, 85, and 86 to delete, without prejudice or disclaimer, the recitation “directly against respective side portions of the first strip lengths.” Applicants submit that this amendment obviates the Examiner’s rejections under Section 112, ¶ 1.

Applicants submit that claim 56 does not include this recitation or “similar requirements.”

Section 103(a) Rejections—Independent Claim 27

Applicants submit that independent claim 27, as currently presented, is patentable under 35 U.S.C. § 103(a) over the cited references, including FR '231, Herbelleau, Drakeford, Alderfer, and the other art of record.

To establish a prima facie case of obviousness under 35 U.S.C. § 103(a) using multiple references, each of three requirements must be met. First, the references, when combined, must teach or suggest all the claim limitations. M.P.E.P. 2143.03 (8th ed., Rev. 1, Feb. 2003). Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention. M.P.E.P. 2143.01 (8th ed., Rev. 1, Feb. 2003). Third, there must be a reasonable expectation of success that the proposed combination would work for the intended purpose. M.P.E.P. 2143.02 (8th ed., Rev. 1, Feb. 2003). Moreover, the second and third requirements “must both be found in the prior art, not in applicant’s disclosure.” M.P.E.P. 2143 (8th ed., Rev. 1, Feb. 2003).

However, no proper combination of the cited art teaches or suggests all the elements of independent claim 27, including at least “wherein the crown portions of the first strip lengths are disposed consecutively in side-by-side relationship along a circumferential extension of the toroidal support” and “wherein edges of circumferentially consecutive first strip lengths abut evenly along their entire crown portions extending between the transition regions.”

In FR '231, for example, the non-consecutive strip ends a and a¹ are partly overlapped by the strip ends of a'. And, although the strips a, a¹, and a' are "in contact with each other at the mandrel periphery" (Translation of FR '231, p. 2/ll. 1-2), each element a' "carries two half strips or linings h . . . filling in the space . . . existing between strips a and a¹" (Id., p. 2/ll. 7-10). Thus, the presence of half strips or linings h physically prevent these edges from abutting evenly along their entire crown portions, as shown in Figs. 3-5 of FR '231.

For at least this reason, independent claim 27 is patentable under 35 U.S.C. § 103(a) over the cited references, including FR '231, Herbelleau, Drakeford, Alderfer, and the other art of record.

Section 103(a) Rejections—Dependent Claims 28-55

Applicants submit that dependent claims 28-55 are patentable under 35 U.S.C. § 103(a) over the cited references, including FR '231, Herbelleau, Drakeford, Alderfer, and the other art of record. This is true at least due to the direct or indirect dependency of claims 28-55 from independent claim 27.

Section 103(a) Rejections—Independent Claim 56

Applicants submit that independent claim 56, as currently presented, is patentable under 35 U.S.C. § 103(a) over the cited references, including FR '231, Herbelleau, Drakeford, Alderfer, and the other art of record.

As discussed above, in order to establish a prima facie case of obviousness under 35 U.S.C. § 103(a) using multiple references, the references, when combined, must teach or suggest all the claim limitations. However, no proper combination of the cited art teaches or suggests all the elements of independent claim 56, including at least "wherein the crown portions

of the first strip lengths are disposed consecutively in side-by-side relationship along a circumferential extension of the toroidal support” and “wherein edges of circumferentially consecutive first strip lengths abut evenly along their entire crown portions extending between the transition regions.”

For at least this reason, independent claim 56 is patentable under 35 U.S.C. § 103(a) over the cited references, including FR '231, Herbelleau, Drakeford, Alderfer, and the other art of record.

Section 103(a) Rejections—Dependent Claims 57-84

Applicants submit that dependent claims 57-84 are patentable under 35 U.S.C. § 103(a) over the cited references, including FR '231, Herbelleau, Drakeford, Alderfer, and the other art of record. This is true at least due to the direct or indirect dependency of claims 57-84 from independent claim 56.

Section 103(a) Rejections—Independent Claims 85-90

Applicants submit that independent claims 85-90, as currently presented, are patentable under 35 U.S.C. § 103(a) over the cited references, including FR '231, Herbelleau, Drakeford, Alderfer, and the other art of record.

As discussed above, in order to establish a prima facie case of obviousness under 35 U.S.C. § 103(a) using multiple references, the references, when combined, must teach or suggest all the claim limitations. However, no proper combination of the cited art teaches or suggests all the elements of independent claims 85-90, including at least “wherein the crown portions of the first strip lengths are disposed consecutively in side-by-side relationship along a circumferential extension of the toroidal support” and “wherein edges of circumferentially

consecutive first strip lengths abut evenly along their entire crown portions extending between the transition regions.”

For at least this reason, independent claims 85-90 are patentable under 35 U.S.C. § 103(a) over the cited references, including FR '231, Herbelleau, Drakeford, Alderfer, and the other art of record.

Claim Scope

In discussing the specification, claims, abstract, and drawings in this Amendment, it is to be understood that Applicants are in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicants believe that Applicants are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Summary

In summary, Applicants submit that none of the cited references, including FR '231, Herbelleau, Drakeford, Alderfer, and the other art of record, taken either alone or in any proper combination, teaches or suggests Applicants' claimed invention.

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 27-90 in condition for allowance. Applicants submit that the proposed amendments to claims 27, 30, 31, 42, 47, 49, 50, 56, 59, 60, 71, 76, 78, 79, and 85-90 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, because all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

It is respectfully submitted that the entering of this Amendment would allow the Applicants to reply to the final rejections and place the application in condition for allowance.

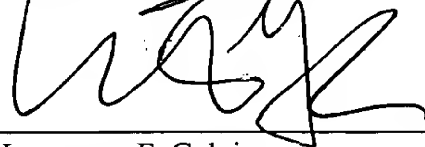
Finally, Applicants submit that the entry of this Amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing amendments and remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of this application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.



Dated: May 17, 2004

By: _____
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